

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Randy Rhyne, #305022,	)	
	)	
Petitioner,	)	C.A. No. 4:07-3147-HMH-TER
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
Warden of Tyger River Correctional	)	
Institution,	)	
	)	
Respondent.	)	

This matter is before the court on Randy Rhyne’s (“Rhyne”) pro se motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to alter or amend the court’s April 29, 2008, order (“April Order”) adopting the Report and Recommendation of the Magistrate Judge and granting the Respondent’s motion for summary judgment. For the reasons set forth below, the court denies Rhyne’s motion.

A motion to alter or amend the judgment under Rule 59(e) may be made on three grounds: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). “Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment . . . .” Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” Id. (internal citation and quotation marks omitted).

In his motion, Rhyne reasserts the allegations made in his original petition pursuant to 28 U.S.C. § 2254 and presents no new facts or evidence which alter the court's original findings in the April Order. Therefore, Rhyne's motion is denied.

Therefore, it is

**ORDERED** that Rhyne's motion to alter or amend judgment, docket number 54, is denied.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
May 8, 2008

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.